

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No.: 21-cv-8167

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VANESSA FONTAINE, individually and as mother and
natural guardian of K.V.S, an infant,

Plaintiff,

-against-

INFANT
COMPROMISE
ORDER

SEAN VINCENT SYKES,

Defendant.
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UPON reading and filing the petition of VANESSA FONTAINE, duly sworn to the 31st day of March, 2022; the affirmation of ANDREW J. SMILEY, ESQ. dated the 30th day of March, 2022; and it appearing that the infant, [REDACTED] K.V.S., is 4 years-old having been born on [REDACTED] 2017; and it appearing that it is in the best interest of said infant plaintiff to settle and compromise his cause of action for the total sum of \$900,000, to be paid by STATE FARM FIRE AND CASUALTY COMPANY on behalf of the defendant.

NOW, on motion of SMILEY & SMILEY, LLP, attorneys for the plaintiff, it is:

ORDERED, that VANESSA FONTAINE, as parent and natural guardian of the infant herein, [REDACTED] K.V.S., be and is hereby authorized and empowered to settle the infant's cause of action for the total sum of \$900,000, to be paid by STATE FARM FIRE AND CASUALTY COMPANY.

ORDERED, that STATE FARM FIRE AND CASUALTY COMPANY shall pay the sum of \$300,000 to "SMILEY & SMILEY, LLP", as and for their compensation for legal services rendered; and it is further;

ORDERED, that STATE FARM FIRE AND CASUALTY COMPANY shall pay the sum of \$600,000.00, to Pacific Life & Annuity Services, Inc. to fund the deferred benefits portion of the settlement as more fully set forth in this Order; and it is further;

ORDERED, that the deferred benefits portion of the settlement shall be payable to the infant plaintiff, **K.V.S.** individually, as follows:

\$25,000.00 payable at age 21 on		2038
\$25,000.00 payable at age 23 on		2040
\$150,000.00 payable at age 25 on		2042
\$150,000.00 payable at age 27 on		2044
\$200,000.00 payable at age 30 on		2047
\$250,000.00 payable at age 33 on		2050
\$250,000.00 payable at age 35 on		2052

\$2,553.67 payable monthly beginning at age 35 on , 2052 for 10 years only with the last guaranteed payment on 2062.

ORDERED that STATE FARM FIRE AND CASUALTY COMPANY must execute the Settlement Agreement and Release and Qualified Assignment documents required by the life insurance companies to issue their respective policy, it is further;

IT IS FURTHER ORDERED, that the projected funding date of the periodic payments set forth herein is May 28, 2022. In the event the periodic payments are not funded on or before that date, the amounts and/or timing of the payments may be changed without need for further Court approval, to ensure the individual costs do not exceed those indicated, for a total cost of \$600,000.00. Any changes to payment amounts and/or timing shall be reflected in the Settlement Agreement and Release and the Qualified Assignment and Release to be executed by the parties.

IT IS FURTHER ORDERED, that STATE FARM FIRE AND CASUALTY COMPANY shall issue payment in the amount of \$600,000.00 made payable to Pacific Life & Annuity Services, Inc. The assignment company shall fund the "periodic payments" by purchasing a

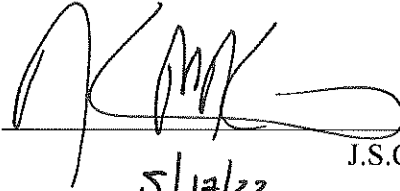
“qualified funding asset” within the meaning of Section 130(d) of the Internal Revenue Code of 1986 in the form of an annuity contract issued by Pacific Life & Annuity Company. The parties to this settlement shall cooperate fully and execute any and all supplementary documents, including the Qualified Assignment document, and to take all additional actions which may be necessary or appropriate to give full force and effect to the basic terms and intent of this settlement.

ORDERED, that the future periodic payments cannot be accelerated, deferred, increased or decreased and no payee shall have the right or power to sell, encumber, assign or transfer the above-mentioned future periodic payments; and it is further;

ORDERED, that VANESSA FONTAINE, as parent and natural guardian of the infant plaintiff, be and hereby is authorized to execute all required closing documents, in favor of the defendant, by STATE FARM FIRE AND CASUALTY COMPANY and it is further;

ORDERED, that the making and filing of a bond be dispensed with.

ENTER:


5/17/22 J.S.C.